

**ORDINANCE NO. 4**  
**Series 2003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE REGULATIONS CONTAINED IN SECTION 15-6-5 OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING THE ENTRANCE OVERLAY DISTRICT REGULATIONS.**

**WHEREAS**, an owner of property within the City of Gunnison has initiated a request to consider a text amendment to the Land Development Code of the City Code of the City of Gunnison; and

**WHEREAS**, after a properly-noticed public hearing, the City of Gunnison Planning and Zoning Commission has recommended adoption of a modified version of the proposed text amendment to the City Council; and

**WHEREAS**, the City Council of the City of Gunnison, after proper notice, has also conducted a public hearing on the proposed text amendment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:**

Section 1. Findings. Based upon the application, the report of the Community Development Department, testimony received at the public hearing, and the recommendation of the City of Gunnison Planning and Zoning Commission, the City Council of the City of Gunnison hereby finds as follows:

A. The goals and objectives of the Entrance Overlay District can be achieved while modifying the regulations of the Entrance Overlay District so as to eliminate a maximum setback.

B. The proposed modified amendment to the Entrance Overlay District will not conflict with either the purposes or other provisions of the Land Development Code, and will enhance flexibility in the development of property within the Entrance Overlay District.

Section 2. Amendment. Section 15-6-5 entitled "Entrance Overlay (EO) District" of the City Code of the City of Gunnison, Colorado, is hereby amended to read as follows:

**15-6-5. Entrance Overlay (EO) District.**

A. Purpose. The purpose of the Entrance Overlay (EO) zone district is to establish standards for development along the primary entrances to the City of Gunnison which retain the distinctive character of the City and avoid a strip commercial development pattern along its major highways. This is accomplished by a combination of landscaping standards, provisions for pedestrian and vehicular access, building setbacks, and the location of required parking, which provide for attractive, functional development while allowing for the continued growth of the commercial and service sectors which are vital to the community.

B. Applicability. The standards of the Entrance Overlay (EO) zone district shall apply to all the development on parcels which front either U.S. Highway 50 or Colorado State Highway 135 within the subareas described herein.

C. Areas. The boundaries of the Entrance Overlay (EO) zone district are shown on the Official Zoning Map. There are two (2) subareas within this district, as follows:

1. Highway Commercial. The Highway Commercial subarea establishes the initial entrance image for the City of Gunnison on its eastern, western, and northern entrances. It extends from Denver Avenue to the northern City limits along Colorado State Highway 135; from the eastern limits of the City to Teller Street along U.S. Highway 50; and from the western limits of the City to Boulevard Street along U.S. Highway 50.

2. Established Commercial. The Established Commercial subarea continues the entry image for the City on its eastern and western approaches to the commercial core. It extends from Boulevard Street east to the Central Business District along U.S. Highway 50, and from Teller Street west to the Central Business District along U.S. Highway 50.

D. Standards. The following standards shall apply to development in the Entrance Overlay (EO) zone district. These standards shall be in addition to those of the underlying zone district in which the property is located, and in addition to the other applicable standards of this Land Development Code.

1. Building Setback.

a. Minimum Setback. The minimum setback for buildings from either U.S. Highway 50 or Colorado State Highway 135 in the Established Commercial and Highway Commercial subareas shall be fifteen feet (15').

b. Street Wall. If a building is set back more than fifteen feet (15') in the Established Commercial subarea, then it shall create a street wall by installing a wall made of brick or similar materials which is at least three feet (3') in height or by planting shrubs of at least three feet (3') in height along the fifteen foot (15') setback line.

2. Landscaping Standards. The minimum landscape area applicable to any property in the Entrance Overlay (EO) zone district shall be that required in the underlying zone district. At a minimum, this landscaping shall be located along the road frontages identified herein and shall also be located within and around the parking areas as described in Section 15-9-4, Landscaping Standards Applicable to Parking Areas.

a. Highway Frontage Buffer. There shall be an average of one (1) tree planted per thirty feet (30') of the property's highway frontage. These trees shall be planted in a minimum five foot (5') wide landscape strip along either side of the pedestrian path.

b. Side Road Buffer. If the subject property is a corner lot, there shall also be an average of one (1) tree planted per forty feet (40') of the property's side road frontage. These trees shall be planted in a minimum five foot (5') wide landscape strip located within ten feet (10') of the curb line.

3. Storage Areas. Storage areas shall be visually screened from pedestrian paths and the highway using a fence, wall, trees, or large shrubs. Storage areas include, but are not limited to, outside storage areas, open areas where machinery or heavy equipment is parked, loading docks, and trash receptacles.

4. Vehicular Access. Vehicular access to the property shall be obtained using curb cuts which are shared with other properties whenever feasible. Curb cuts shall have a minimum width of twelve feet (12') and a maximum width of twenty-five feet (25') but shall never be less than as specified in the American Association of State Highway and Transportation Officials (AASHTO) standards.

5. Location of Parking. No more than fifty per cent (50%) of the off-street parking spaces required by Chapter 15, Article 8, of this Land Development Code, shall be located between a line which is parallel to the right-of-way of either U.S. Highway 50 or Colorado State Highway 135 and which line intersects the portion of the building closest to the right of way of the respective highway, and the right of way of the highway. All remaining off-street parking established upon the property shall be located outside of the area between the above line and the highway right-of-way.

Section 3. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the City Council of the City of Gunnison, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 12th day of May, 2003, on first reading, and introduced, read, and adopted on second and final reading this 27th day of May, 2003.

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Mayor

ATTEST:

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City Clerk